

## **REMARKS**

The Examiner is thanked for the thorough examination of this application, and the removal of the previous rejections. The Examiner is also thanked for the acknowledgment on page 6 that claims 5, 7, and 9 define allowable subject matter (i.e., “the following subject matter are allowable ‘CVD process using TEOS and forming sidewall spacer dry etch process’.”)

In response, Applicant has amended independent claim 1 to include the allowable subject matter of claim 7, and Applicant has canceled claims 7 and 10-15 (claims 16-22 having been previously canceled). Upon entry of the amendments in this response, claims 1-6, 8, and 9 remain pending. As the amendment to claim 1 merely incorporates subject matter from claim 7, the amendment raises no new issues for consideration and should be entered.

### **Rejections under 35 U.S.C 102(e) and 35 U.S.C 103(a)**

Various claim rejections were advanced by the Office Action, but these rejections have been rendered moot by the amendment of claim 1 to incorporate the allowable subject matter of claim 7, and the cancellation of claims 10-15. This amendment places independent claim 1 and dependent claims 2-6 and 8-9 in immediate condition for allowance.

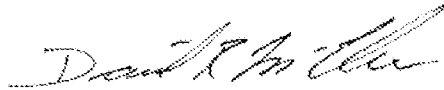
If the Examiner believes a teleconference will expedite the examination of this application, the Examiner is invited to contact the undersigned attorney at 770-933-9500.

No fee is believed to be due in connection with this Response to Office Action. If, however, any fee is deemed to be payable, you are hereby authorized to charge any such fee to deposit account 20-0778.

Respectfully submitted ,

**THOMAS, KAYDEN, HORSTEMEYER  
& RISLEY, L.L.P.**

By:



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